

Article - Estates and Trusts

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§8–104.

(a) Claims against an estate of a decedent may be presented as provided in this section.

(b) (1) The claimant may deliver or mail to the personal representative a verified written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed.

(2) If the claim is not yet due, the date when it will become due shall be stated.

(3) If the claim is contingent, the nature of the contingency shall be stated.

(4) If the claim is secured, the security shall be described.

(5) The failure of the claimant to comply with the provisions of this section or with the reasonable requests of the personal representative for additional information may be a basis for disallowance of a claim in the discretion of the court.

(c) (1) The claimant may file a verified written statement of the claim, substantially in the following form:

“Claim Against Estate of Decedent

The below–named creditor certifies that there is due and owing by ____, deceased, in accordance with the statement of account attached as a part of this statement, the sum of ____, together with interest at the rate of ____ from ____ until paid, and that the account is correct as stated and is unpaid.

On behalf of the below named creditor, I do solemnly declare and affirm under the penalties of perjury that the information and representations made in the claim and the account are true and correct according to my knowledge, information, and belief.

(Name of creditor)

(Signature of creditor or person authorized to make verification on behalf of creditor)”.

(2) If the claim is filed before the appointment of the personal representative, the claimant may file the claim:

(i) With the register in the county in which the decedent was domiciled; or

(ii) In any county in which the decedent resided on the date of the decedent's death or in which real property or a leasehold interest in real property of the decedent is located.

(3) If the claim is filed after the appointment of the personal representative, the claimant shall file the claim with the register of the county in which probate proceedings are being conducted and shall deliver or mail a copy of the statement to the personal representative.

(d) (1) When a cause survives death, the claimant is not required to file a claim under subsection (b) or (c) of this section.

(2) The claimant may commence an action against the estate or against a person to whom property has been distributed, but the commencement of the action shall occur within the time limited for the filing of claims.

(e) (1) If the decedent was covered by a liability insurance policy which at the time the action is instituted provides insurance coverage for the occurrence, then, notwithstanding the other provisions of this section, an action against the estate may be instituted after the expiration of the time designated in this section, but within the period of limitations generally applicable to such actions.

(2) The existence of insurance coverage is not admissible at the trial of the case and if a verdict is rendered against the estate:

(i) The judgment is not limited to the amount of insurance coverage for the occurrence; and

(ii) The amount of the judgment that is recoverable from the estate is limited to the amount of the decedent's liability insurance policy.

(3) These provisions permit claims against the Maryland Automobile Insurance Fund, if otherwise proper.

(4) The provisions of this subsection may not be construed to limit the rights of a plaintiff to:

(i) Proceed against the plaintiff's insurance carrier; or

insurance policy. (ii) Otherwise make a claim under any applicable first party

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